



JOE A. MARTINEZ  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS  
DISTRICT 11

December 2, 2005

Honorable Carlos Alvarez  
Mayor  
Miami Dade County  
111 N.W. 1<sup>st</sup> Street  
Suite 2900  
Miami, Florida 33128

**RE: Veto Message Resolution No. 1307-05**

Dear Mayor Alvarez:

The purpose of my letter to you is to clarify some of the erroneous statements listed in your veto message and to invite you to have a public discussion on the veto and the opportunity for you to deliberate with the Board of County Commissioners in the best interest of those that we serve.

Quite frankly, some of the issues discussed in your message are incomprehensible and simply contradict your prior stance on the process. But again, we have always invited you to attend our public meetings in order to deliberate said issues but the podium has always been noticeably empty. In the past you have exercised your veto from the confines of your office and have chosen not to deliberate with this Board on issues of importance to the community and those that we have taken an oath to serve.

I find it perplexing when you have stated on several occasions that we as elected leaders should obtain as much information as possible, to include the findings of the Watershed Plan (should be substantially developed by the April 2006 hearings), that you contradict said statements in your veto message – now saying that it is irresponsible to transmit for additional information – possibly just an oversight on your staff's drafting of said message.



While your veto message was long and somewhat repetitive, it is riddled with inconsistencies that warrant further enlightenment. For example, you state that while the [Board]:

- "...asks for more input from the DCA it is neglecting its own prior request for information. Both the Watershed Plan and the Urban Development Boundary studies, commissioned at a cost of approximately 3.5 million to taxpayers are still pending completions."

It is apparent, Mr. Mayor, that you missed the several times that the Watershed Study was mentioned throughout our Hearings, including the assurances set forth on the record by County staff that these studies should be completed prior to our having to take final action on these applications in April of 2006. Respectfully, it is internally inconsistent, if not intellectually dishonest, to use the lack of information that would be gleaned from the studies as criticism, while in the same breath criticizing an action of the Board that would provide input from many State agencies on the very same issue.

When discussing those applications that were within the Urban Expansion Area (UEA), you stated that:

- "When staff recommended adoption of two applications that called for development within the UEA for industrial and commercial development, though Board approved CDMP Policy found no need for expansion due to an adequate supply of industrial and commercial land into the year 2025, it was the Board's responsibility to adopt a stance."

Since you mention two applications above yet you do not list them, I can only assume that you are referring to Application five and twenty four. As you know, this part of the process does not require that the Board take any position. It is an option provided by law and the Board's action was consistent with our laws. Nevertheless, Mr. Mayor, I note after carefully reading your entire message, that at no time did you take a "stance" on those individual applications. You are also an elected official of this County, and therefore have the same responsibilities that you attribute to the Board.



Along the same lines, you also state that:

- "Six of the ten items affecting the UDB were transmitted to DCA without any guidance from the Board. In effect, the governing body of this County chose to abdicate its authority to the State. After the Board chose to silence the public by limiting the time allotted during the public hearing, it silenced itself by failing to take a stance on the transmittal of six of [sic] UDB items. Leadership in matters like these must come from the Civil Servants entrusted by the people to carry out their will in every instance."
- "The Board has chosen to transmit these items despite its lack of adequate deliberation, public input and relevant data. The Chairman himself repeatedly admitted the Board's failure to actively participate in Commissioner [Moss's] UDB workshops. This breakdown was a factor which contributed to the time shortage during the CDMP public hearings and the resulting disenfranchisement of the county residents who had taken time from their busy schedules to participate in democracy."

Specifically, you know well that the action to transmit is not an "abdication of authority"; it is merely a request to seek input from relevant State agencies. The Board exercises its authority when a matter comes for final passage, as these applications will in April of 2006. At that time, the Board will exercise its authority, granted by the Charter, as the governing body of this County. Furthermore, while you personally make reference to my comments as it relates to Commissioner Moss' UDB workshops and the Board's failure to actively participate, may I remind you that you did not participate in any of those workshops or the two meetings held in November to convey your specific concerns or even an attempt to discuss the issues at hand.

Additionally, Mr. Mayor, this Board did not "silence the public." The two full days of public hearings that occurred in November are only part of a continuing process to obtain public input.



Letter to Mayor Carlos Alvarez  
Veto Message Resolution  
December 2, 2005  
Page 4

As I announced on November 30th, the Board has reserved three full days of public hearing time prior to April 2006 to make sure that the public is fully heard once the relevant State agencies have provided additional input. This will give the public an opportunity not only to comment on the applications themselves, but on the results of the Watershed Plan and the comments furnished by the State. That is how the process has always operated, and how it has been envisioned by State Law and Local Ordinance since the creation of Growth Management Laws in 1975.

Leadership, Mr. Mayor, is not about misleading, and it is not about simply parroting the points of view of one segment of the electorate or that of the media. Leadership, among other things, requires the moral courage to stand in the public light and explain and defend your positions. To this end, leaders also should make informed decisions, not hasty ones. Transmitting applications whether with denial, no recommendation or otherwise is leadership. Vetoing a transmittal for informational purposes is not leadership. The Board has not abdicated their responsibility but actually embraced it by assuring an informed decision is made in April 2006. Mr. Mayor, I assure you that this Board will render a decision in April when it is actually relevant.

As you are aware, this item will be the first item on the December 6<sup>th</sup> Board of County Commission agenda. I sincerely hope your schedule allows you to attend and present your veto.

Sincerely,



Joe A. Martinez  
Chairman

JM/jim

Honorable Vice Chairman Dennis C. Moss and  
Members of the Board of County Commissioners  
Honorable Harvey Ruvin, Clerk of the Courts  
George Burgess, County Manager  
Murray Greenberg, County Attorney